

REMARKS**Discussion of Objections to Drawings**

The Examiner objected the drawings because they are difficult to read because the print is too small and also the photograph copy is not very clear.

In response, the applicant has enlarged Figs. 1 and 2 and prepared them in separate pages.

Also, the applicant submits pictures of them by Express mail.

Discussion of Claim Rejections under 35 U.S.C. 112

The Examiner rejected Claims 1-6 under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains.

In response, a statement by an attorney of record over his signature and registration number stating that the specific strain will be irrevocably and with restriction or condition released to the public upon the issuance of a patent.

Discussion of Claim Rejections under 35 U.S.C. 102/103

The Examiner rejected Claims 1-6 under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Conkling et al (USP 5750386).

The applicant respectfully disagrees with the Examiner.

The Examiner stated "*The reference teach Bacillus amyloliquefaciens (col. 6, ilines 29 and 31), which can be utilized an as antifungal agent or substanc,*" and kept stating of the effects of Conkling's Bacillus amyloliquefaciens. As Conkling's independent claims enumerate them as key elements of his disclosure, the nucleotide sequence is critical. (See Conkling's Claim 1, 10, 16, 17, 21, 23, and 32.

Therefore, since the invention comprises Bacillus amyloliquefaciens KTGB0202 with nucleotide sequence totally different from any ones which Conkling disclosed, the invention is NOT anticipated by Conkling. For the same reasons, the invention is NOT obvious over Conkling considering the data amount of the nucleotide sequences and the distinct difference between the nucleotide sequence of the invention and the cited reference.

Applicant respectfully request withdrawal of the rejections.

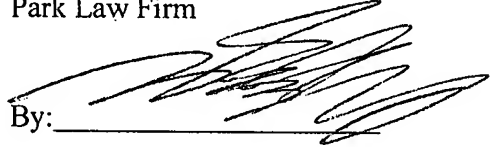
CONCLUSION

The applicant believes that the rejections were obviated by the amendment of claims, and the application is now in condition for allowance: therefore, reexamination, reconsideration and allowance of the claims are respectively requested. If there are any additional comments or requirements from the examination, the applicant asks for a non-final office action.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any over-payment to Deposit Account No. 16-0310.

Very truly yours,

Park Law Firm

By: 

Choongseop Lee, Ph.D.

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Dated: 03/26, 2009

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Atty Docket: 1728.09

Statement

US Patent Application No.: 10/583,076
Filing Date: 06/15/2006
First Named Inventor: Kab-Sig Kim
Attorney Docket No.: 1728.09
Art Unit: 1651

The specific strain in the attached 'Receipt in the Case of an Original Deposit' for the above application will be irrevocably and with restriction or condition released to the public upon the issuance of a patent.

Very truly yours,

Park Law Firm

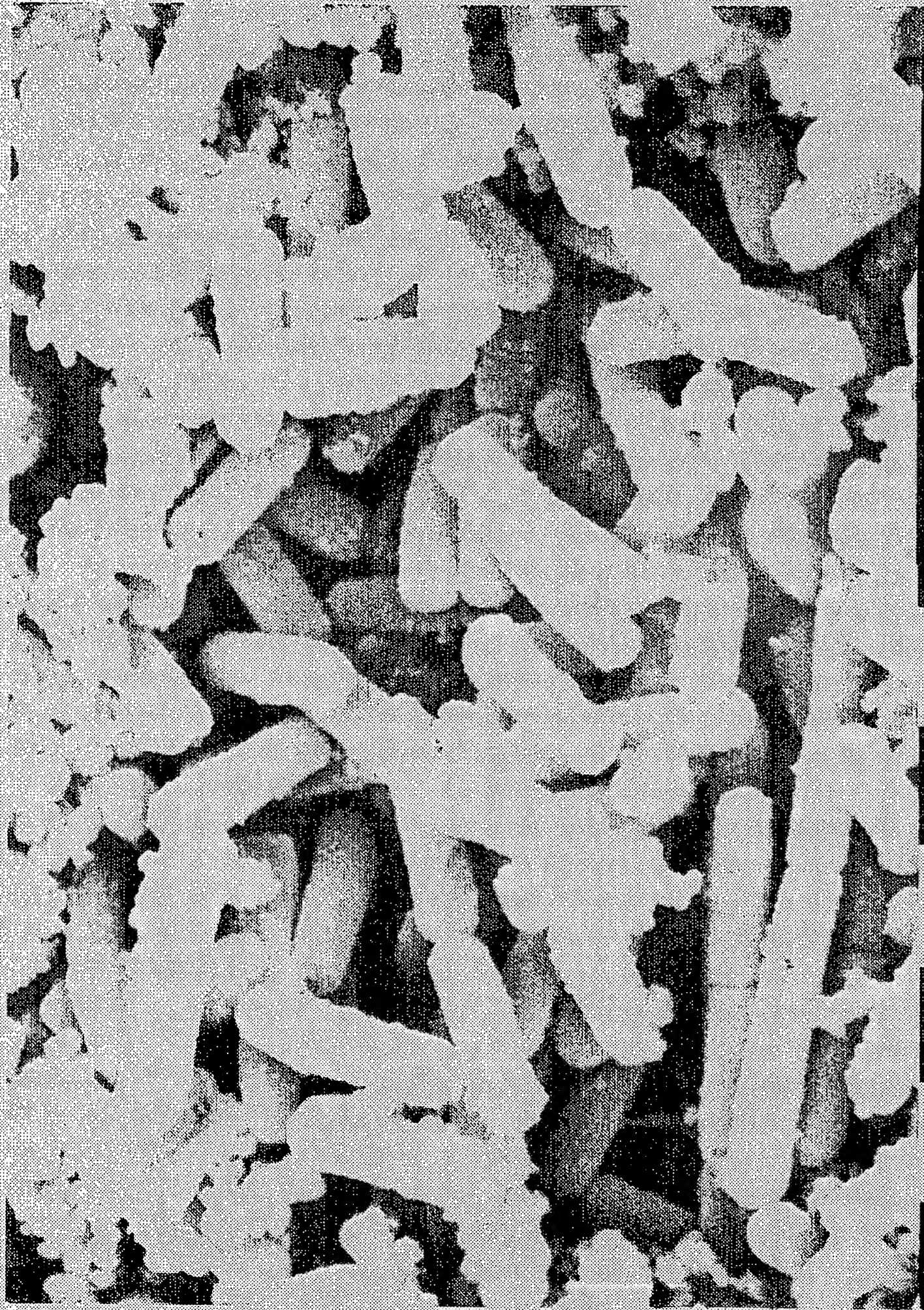
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